

Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

When said resolution was considered.
After debate,

On motion of Mr. DIAZ-BALART, the previous question was ordered on the resolution to its adoption or rejection and under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶137.5 PROVIDING FOR THE
CONSIDERATION OF H.R. 1273

Mr. DIAZ-BALART, by direction of the Committee on Rules, called up the following resolution (H. Res. 126):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 1273) to authorize appropriations for fiscal years 1998 and 1999 for the National Science Foundation, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Science. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Science now printed in the bill. The committee amendment in the nature of a substitute shall be considered by title rather than by section. Each title shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

When said resolution was considered.
After debate,

On motion of Mr. DIAZ-BALART, the previous question was ordered on the resolution to its adoption or rejection and under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶137.6 PROVIDING FOR THE
CONSIDERATION OF H.R. 1275

Mr. MCINNIS, by direction of the Committee on Rules, called up the following resolution (H. Res. 128):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 1275) to authorize appropriations for the National Aeronautics and Space Administration for fiscal years 1998 and 1999, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 2(l)(6) of rule XI are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Science. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Science now printed in the bill. The committee amendment in the nature of a substitute shall be considered by title rather than by section. Each title shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

When said resolution was considered.
After debate,

On motion of Mr. MCINNIS, the previous question was ordered on the resolution to its adoption or rejection and under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶137.7 PROVIDING FOR THE
CONSIDERATION OF H.R. 1271

Mr. LINDER, by direction of the Committee on Rules, called up the following resolution (H. Res. 125):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 1271) to authorize the Federal Aviation Administration's research, engineering, and development programs for fiscal years 1998 through 2000, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with section 306 of the Congressional Budget Act of 1974 are waived.

General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Science. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Science now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. Points of order against the committee amendment in the nature of a substitute for failure to comply with section 306 of the Congressional Budget Act of 1974 are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

When said resolution was considered.
After debate,

On motion of Mr. LINDER, the previous question was ordered on the resolution to its adoption or rejection and under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶137.8 NATIONAL INSTITUTE OF
STANDARDS AND TECHNOLOGY
AUTHORIZATION

The SPEAKER pro tempore, Mrs. MORELLA, pursuant to House Resolution 127 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 1274) to authorize appropriations for the National Institute of Standards and Technology for fiscal years 1998 and 1999, and for other purposes.

The SPEAKER pro tempore, Mrs. MORELLA, by unanimous consent, designated Mr. DUNCAN as Chairman of the Committee of the Whole; and after some time spent therein,

The SPEAKER pro tempore, Mr. DREIER, assumed the Chair.

When Mr. DUNCAN, Chairman, pursuant to House Resolution 127, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Institute of Standards and Technology Authorization Act of 1997".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS FOR SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES.

(a) **LABORATORY ACTIVITIES.**—There are authorized to be appropriated to the Secretary of Commerce for the Scientific and Technical Research and Services laboratory activities of the National Institute of Standards and Technology—

(1) \$278,563,000 for fiscal year 1998, of which—

(A) \$38,104,000 shall be for Electronics and Electrical Engineering;

(B) \$18,925,000 shall be for Manufacturing Engineering;

(C) \$31,791,000 shall be for Chemical Science and Technology;

(D) \$30,372,000 shall be for Physics;

(E) \$50,914,000 shall be for Material Science and Engineering;

(F) \$13,404,000 shall be for Building and Fire Research;

(G) \$47,073,000 shall be for Computer Science and Applied Mathematics;

(H) \$19,376,000 shall be for Technical Assistance; and

(I) \$28,604,000 shall be for Research Support; and

(2) \$286,919,890 for fiscal year 1999, of which—

(A) \$39,247,120 shall be for Electronics and Electrical Engineering;

(B) \$19,492,750 shall be for Manufacturing Engineering;

(C) \$32,744,730 shall be for Chemical Science and Technology;

(D) \$31,283,160 shall be for Physics;

(E) \$52,441,420 shall be for Material Science and Engineering;

(F) \$13,806,120 shall be for Building and Fire Research;

(G) \$48,485,190 shall be for Computer Science and Applied Mathematics;

(H) \$19,957,280 shall be for Technical Assistance; and

(I) \$29,462,120 shall be for Research Support.

(b) **MALCOLM BALDRIGE NATIONAL QUALITY PROGRAM.**—There are authorized to be appropriated to the Secretary of Commerce for the Malcolm Baldrige National Quality Program under section 17 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711a)—

(1) \$4,134,500 for fiscal year 1998; and

(2) \$5,289,000 for fiscal year 1999.

(c) **CONSTRUCTION AND MAINTENANCE.**—(1) There are authorized to be appropriated to the Secretary of Commerce for construction and maintenance of facilities of the National Institute of Standards and Technology—

(A) \$16,692,000 for fiscal year 1998; and

(B) \$67,000,000 for fiscal year 1999.

(2) None of the funds authorized by paragraph (1)(B) for construction of facilities may be obligated unless the Secretary of Commerce has certified to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that the obligation of funds is consistent with a plan for meeting the facilities needs of the National Institute of Standards and Technology that the Secretary has transmitted to those committees.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS FOR THE OFFICE OF THE UNDER SECRETARY FOR TECHNOLOGY.

There are authorized to be appropriated to the Secretary of Commerce for the activities of the Under Secretary for Technology and the Office of Technology Policy—

(1) \$7,000,000 for fiscal year 1998; and

(2) \$7,205,000 for fiscal year 1999.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS FOR INDUSTRIAL TECHNOLOGY SERVICES.

There are authorized to be appropriated to the Secretary of Commerce for the Industrial Technology Services activities of the National Institute of Standards and Technology—

(1) \$302,900,000 for fiscal year 1998, of which—

(A) \$185,100,000 shall be for the Advanced Technology Program under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n); and

(B) \$117,800,000 shall be for the Manufacturing Extension Partnerships program under sections 25 and 26 of the National Institute of Standards and Technology Act (15 U.S.C. 278k and 278l); and

(2) \$261,300,000 for fiscal year 1999, of which—

(A) \$150,000,000 shall be for the Advanced Technology Program under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n); and

(B) \$111,300,000 shall be for the Manufacturing Extension Partnerships program under sections 5 and 26 of the National Institute of Standards and Technology Act (15 U.S.C. 278k and 278l).

SEC. 5. NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ACT AMENDMENTS.

(a) **AMENDMENTS.**—Section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n) is amended—

(1) by striking "or contracts" in subsection (b)(1)(B), and inserting in lieu thereof "contracts, and, subject to the last sentence of this subsection, other transactions";

(2) by inserting "and if the non-Federal participants in the joint venture agree to pay at least 60 percent of the total costs of the joint venture during the Federal participation period under this section, which shall not exceed 5 years," in subsection (b)(1)(B) after "participation to be appropriate,";

(3) by striking "(ii) provision of a minority share of the cost of such joint ventures for up to 5 years, and (iii)" in subsection (b)(1)(B), and inserting in lieu thereof "and (ii)";

(4) by striking "and cooperative agreements" in subsection (b)(2), and inserting in lieu thereof "cooperative agreements, and, subject to the last sentence of this subsection, other transactions";

(5) by striking "provided that emphasis is" in subsection (b)(2) and inserting in lieu thereof "on the condition that grant recipients (other than small businesses within the meaning of the Small Business Act) provide at least 60 percent of the costs of the project, with emphasis";

(6) by adding after subsection (b)(4) the following:

"The authority under paragraph (1)(B) and paragraph (2) to enter into other transactions shall apply only if the Secretary, acting through the Director, determines that standard contracts, grants, or cooperative agreements are not feasible or appropriate, and only when other transaction instruments incorporate terms and conditions that reflect the use of generally accepted commercial accounting and auditing practices.";

(7) in subsection (d)(1), by inserting "and be of a nature and scope that would not be pursued in a timely manner without Federal assistance" after "technical merit"; and

(8) by adding at the end the following new subsections:

"(k) Notwithstanding subsection (b)(1)(B) and subsection (d)(3), the Director may grant extensions beyond the deadlines established under those provisions for joint venture and single applicant awardees to expend Federal funds to complete their projects, if such extension may be granted with no additional

cost to the Federal Government and it is in the Federal Government's interest to do so.

"(l) The Secretary, acting through the Director, may vest title to tangible personal property in any recipient of financial assistance under this section if—

"(1) the property is purchased with funds provided under this section; and

"(2) the Secretary, acting through the Director, determines that the vesting of such property furthers the objectives of the Institute.

Vesting under this subsection shall be subject to such limitations as are prescribed by the Secretary, acting through the Director, and shall be made without further obligation to the United States Government."

(b) **ADDITIONAL AMENDMENT.**—(1) Section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n) is further amended by striking the period at the end of the first sentence of subsection (d)(11)(A) and inserting in lieu thereof the following: "or any other participant in a joint venture receiving financial assistance under this section, as agreed by the parties, notwithstanding the requirements of section 202 (a) and (b) of title 35, United States Code."

(2) The amendment made by this subsection shall be effective only with respect to assistance for which solicitations for proposals are made after the date of the enactment of this Act.

SEC. 6. MANUFACTURING EXTENSION PARTNERSHIP PROGRAM CENTER EXTENSION.

Section 25(c)(5) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(c)(5)) is amended by striking "which are designed" and all that follows through "operation of a Center," and inserting in lieu thereof "After the sixth year, a Center may receive additional financial support under this section if it has received a positive evaluation through an independent review, under procedures established by the Institute. Such an independent review shall be required at least every two years after the sixth year of operation. Funding received for a fiscal year under this section after the sixth year of operation shall not exceed the proportion of the capital and annual operating and maintenance costs of the Center received by the Center during its sixth year of operation."

SEC. 7. MALCOLM BALDRIGE QUALITY AWARD.

Section 17(c)(3) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711a(c)(3)) is amended by inserting "unless the Secretary determines that a third award is merited and can be given at no additional cost to the Federal Government" after "in any year".

SEC. 8. NEXT GENERATION INTERNET.

None of the funds authorized by this Act, or any other Act enacted before the date of the enactment of this Act, may be used for the Next Generation Internet. Notwithstanding the previous sentence, funds may be used for the continuation of programs and activities that were funded and carried out during fiscal year 1997.

SEC. 9. LIMITATIONS.

(a) **PROHIBITION OF LOBBYING ACTIVITIES.**—None of the funds authorized by this Act shall be available for any activity whose purpose is to influence legislation pending before the Congress, except that this subsection shall not prevent officers or employees of the United States or of its departments or agencies from communicating to Members of Congress on the request of any Member or to Congress, through the proper channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business.

(b) **LIMITATION ON APPROPRIATIONS.**—No sums are authorized to be appropriated to the Director of the National Institute of

Standards and Technology for fiscal years 1998 and 1999 for the activities for which sums are authorized by this Act, unless such sums are specifically authorized to be appropriated by this Act.

(c) ELIGIBILITY FOR AWARDS.—

(1) IN GENERAL.—The Director of the National Institute of Standards and Technology shall exclude from consideration for grant agreements made by the Institute after fiscal year 1997 any person who received funds, other than those described in paragraph (2), appropriated for a fiscal year after fiscal year 1997, under a grant agreement from any Federal funding source for a project that was not subjected to a competitive, merit-based award process. Any exclusion from consideration pursuant to this subsection shall be effective for a period of 5 years after the person receives such Federal funds.

(2) EXCEPTION.—Paragraph (1) shall not apply to the receipt of Federal funds by a person due to the membership of that person in a class specified by law for which assistance is awarded to members of the class according to a formula provided by law.

(3) DEFINITION.—For purposes of this subsection, the term "grant agreement" means a legal instrument whose principal purpose is to transfer a thing of value to the recipient to carry out a public purpose of support or stimulation authorized by a law of the United States, and does not include the acquisition (by purchase, lease, or barter) of property or services for the direct benefit or use of the United States Government. Such term does not include a cooperative agreement (as such term is used in section 6305 of title 31, United States Code) or a cooperative research and development agreement (as such term is defined in section 12(d)(1) of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(1))).

SEC. 10. NOTICE.

(a) NOTICE OF REPROGRAMMING.—If any funds authorized by this Act are subject to a reprogramming action that requires notice to be provided to the Appropriations Committees of the House of Representatives and the Senate, notice of such action shall concurrently be provided to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(b) NOTICE OF REORGANIZATION.—The Secretary of Commerce shall provide notice to the Committees on Science and Appropriations of the House of Representatives, and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate, not later than 15 days before any major reorganization of any program, project, or activity of the National Institute of Standards and Technology.

SEC. 11. SENSE OF CONGRESS ON THE YEAR 2000 PROBLEM.

With the year 2000 fast approaching, it is the sense of Congress that the National Institute of Standards and Technology should—

- (1) give high priority to correcting all 2-digit date-related problems in its computer systems to ensure that those systems continue to operate effectively in the year 2000 and beyond;
- (2) assess immediately the extent of the risk to the operations of the Institute posed by the problems referred to in paragraph (1), and plan and budget for achieving Year 2000 compliance for all of its mission-critical systems; and
- (3) develop contingency plans for those systems that the Institute is unable to correct in time.

SEC. 12. BUY AMERICAN.

(a) COMPLIANCE WITH BUY AMERICAN ACT.—No funds appropriated pursuant to this Act may be expended by an entity unless the en-

tity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c, popularly known as the "Buy American Act").

(b) SENSE OF CONGRESS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(c) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary of Commerce shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, *viva voce*,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. DREIER, announced that the yeas had it.

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

§137.9 NATIONAL SCIENCE FOUNDATION AUTHORIZATION

The SPEAKER pro tempore, Mr. DREIER, pursuant to House Resolution 126 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 1273) to authorize appropriations for fiscal years 1998 and 1999, for the National Science Foundation, and for other purposes.

The SPEAKER pro tempore, Mr. DREIER, by unanimous consent, designated Mr. DUNCAN as Chairman of the Committee of the Whole; and after some time spent therein,

The SPEAKER pro tempore, Mr. PETRI, assumed the Chair.

When Mr. DIAZ-BALART, Acting Chairman, pursuant to House Resolution 126, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Science Foundation Authorization Act of 1997".

SEC. 2. DEFINITIONS.

For purposes of this Act—

- (1) the term "Director" means the Director of the Foundation;
- (2) the term "Foundation" means the National Science Foundation;
- (3) the term "institution of higher education" has the meaning given such term in section 1201(a) of the Higher Education Act of 1965;
- (4) the term "national research facility" means a research facility funded by the

Foundation which is available, subject to appropriate policies allocating access, for use by all scientists and engineers affiliated with research institutions located in the United States; and

(5) the term "United States" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.

TITLE I—NATIONAL SCIENCE FOUNDATION AUTHORIZATION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

(a) FINDINGS.—The Congress finds that—

(1) the programs of the Foundation are important for the Nation to strengthen basic research and develop human resources in science and engineering, and that those programs should be funded at an adequate level;

(2) the primary mission of the Foundation continues to be the support of basic scientific research and science education and the support of research fundamental to the engineering process and engineering education; and

(3) the Foundation's efforts to contribute to the economic competitiveness of the United States should be in accord with that primary mission.

(b) FISCAL YEAR 1998.—There are authorized to be appropriated to the Foundation \$3,505,630,000 for fiscal year 1998, which shall be available for the following categories:

- (1) Research and Related Activities, \$2,563,330,000, of which—
 - (A) \$330,820,000 shall be for Biological Sciences;
 - (B) \$289,170,000 shall be for Computer and Information Science and Engineering;
 - (C) \$360,470,000 shall be for Engineering;
 - (D) \$452,610,000 shall be for Geosciences;
 - (E) \$715,710,000 shall be for Mathematical and Physical Sciences;
 - (F) \$130,660,000 shall be for Social, Behavioral, and Economic Sciences, including \$1,000,000 for the United States-Mexico Foundation for Science;
 - (G) \$165,930,000 shall be for United States Polar Research Programs;
 - (H) \$62,600,000 shall be for United States Antarctic Logistical Support Activities; and
 - (I) \$2,730,000 shall be for the Critical Technologies Institute.
- (2) Education and Human Resources Activities, \$625,500,000.
- (3) Major Research Equipment, \$175,000,000.
- (4) Salaries and Expenses, \$136,950,000, of which \$5,200,000 shall be for Headquarters Relocation.
- (5) Office of Inspector General, \$4,850,000.

(c) FISCAL YEAR 1999.—There are authorized to be appropriated to the Foundation \$3,613,630,000 for fiscal year 1999, which shall be available for the following categories:

- (1) Research and Related Activities, \$2,740,000,000, including \$1,000,000 for the United States-Mexico Foundation for Science.
- (2) Education and Human Resources Activities, \$644,245,000.
- (3) Major Research Equipment, \$90,000,000, of which no funds are authorized for the Large Hadron Collider project at the European Organization for Nuclear Research (CERN) unless the Director, in consultation with the Secretary of Energy, has transmitted to the Committee on Science of the House of Representatives and the Committees on Labor and Human Resources and Commerce, Science, and Transportation of the Senate a report on the impacts of such funding on the operations and viability of United States high energy and nuclear physics facilities.
- (4) Salaries and Expenses, \$134,385,000.
- (5) Office of Inspector General, \$5,000,000.